

Memo

To: Economic Development Committee

Fr: Tracy Flucke, Administrator

Re: Discuss Sign Code

Date: December 27, 2013

This item was brought up at our last meeting and staff was asked to provide a discussion on the new code at the next meeting. I will plan to highlight specific sections of the code. Please plan to bring questions to the meeting. But also remember the sign code is very detailed and I may not be able to answer.

Our Building Inspector is the one who interprets our sign code and approves building permits. This is done when a developer brings in a specific plan and he reviews and determines if it meets the code or not. It is difficult to answer specific questions without a detailed plan.

Discussion item only.

- (9) No telecommunication tower shall be built, maintained or operated in a residential district.
- (10) No antenna or other structure shall be built, maintained or operated on or upon any structure which is non-conforming to the requirements of the zone in which it is located.

11.28 SIGNS

A. PURPOSE

The purpose of the sign regulations in this chapter is as follows:

- 1. To regulate the size, type, construction standards, maintenance, and placement of signs situated within the boundaries of the Village of Allouez, Wisconsin;
- 2. To promote the public health, safety and welfare, of the general public by:
 - a. Reducing distractions and obstructions from signs which would adversely affect traffic safety, and alleviate hazards caused by signs projecting over or encroaching upon the public right-of-way;
 - b. Discouraging excessive visual competition in signage and ensuring that signs aid orientation and adequately identify uses and activities to the public; and
 - c. Preserving or enhancing the natural beauty and unique physical characteristics of the Village of Allouez as a community in which to live and work by requiring new and replacement signage which is:
 - 1. Creative and distinctive;
 - 2. Harmonious with the building, surrounding neighborhood aesthetics and other signs in the area; and
 - 3. Expressive of the village's identity in a manner which will not diminish property values;
 - d. Promote a healthy and properly designed business environment;
 - e. Protect property values with the village.

B. SCOPE OF REGULATIONS

A sign may be erected, placed, established, painted, created, or maintained in the Village only in conformance within the standards, procedures, exemptions, and other requirements of this ordinance. All sign-related activity must be done based on this ordinance.

C. DEFINITIONS

Words and phrases used in this ordinance shall have the meanings set forth in this Section. Words and phrases not defined in this Section, but defined in other ordinances of the Village or by state statute shall be given the meanings set forth in such Ordinance or statute. For the purpose of this ordinance, in the event of any conflict in definitions of any word or phrase as defined in this ordinance, and as defined in any other ordinance or any statute, the definition in this ordinance shall take precedence and be used. Principles for computing sign areas and sign heights are contained in Section

11.28 G. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; and the word "shall" is mandatory and not directory.

For the purpose of this ordinance certain terms and words are herewith defined as follows:

Abandoned Sign: A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, lessee, owner, product, service or activity, conduct or product available on the premises, where such sign is displayed or when a rental, sale or compensation is no longer provided.

ATM Structure. Any structure that houses an automated teller machine.

Awning Sign. Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Banner. Any sign of lightweight fabric or similar material that is mounted to a pole or building at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Beacon. A stationary or evolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention, except, however, this term required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

Building. Includes, but is not limited to, any man-made structure for human habitation, for housing or keeping any living organism, for any profession, trade, business or activity, any part appurtenant thereto, and any structure whether permanent or temporary.

Building Inspector. The agent of the Village of Allouez authorized to permit, inspect, approve or deny construction within the Village, and who is the authorized government representative on sign issues.

Building Marker. Any sign indicating the name of a building, date, and incidental information about construction, or any such information, which sign is cut into a masonry surface or is a mounted or embedded plaque made of bronze or other permanent material.

Building Sign. Any sign attached to any part of a building, as contrasted to a freestanding ground sign.

Canopy. Includes, but is not limited to, a free-standing structure typically associated with auto ingress and egress, attached or unattached to a building.

Changeable Copy/Reader Board Sign. A sign on which the message changes more than once a day shall be considered LED Message Center and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance. Such sign shall be free standing, not attached to any building face or existing pylon sign and cannot contain more than two faces, each of which shall be on a different side of the sign. Each face shall not exceed 32 square feet in area and the total area of both faces shall not exceed 64 square feet. Such sign shall be mounted upon a permanent base. Each face of the sign shall be encased and locked. Maximum height of such sign shall not exceed 8 feet from grade, including the base upon which the sign is mounted.

Commercial Message. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, sale or sales event or other commercial activity.

Directional Sign. A sign of noncommercial nature which directs the reader to the location of public or educational institutions, or to the location of historic structures or areas, or to the location of public parks or buildings.

Display Surface Area. The net geometric area enclosed by the outer extremities of all letters, characters, symbols, logos, trademarks and delineations; provided, however, "display surface area: shall not include the structural supports for free standing signs.

District or Zoning District. A section or sections of the incorporated area of the Village of Allouez for which the then effective zoning ordinance governing the use of buildings and land are uniform for each class of use permitted therein.

Erect. To build, construct, attach, hang, place, suspend, or affix anything, and to paint a wall sign.

Flag. Any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flashing Sign. An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

Freestanding Ground Sign. A sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure, whether portable or stationary.

Garage/Yard/Rummage Sale Sign. A private sale of personal property used to dispose of personal household possessions. Not for the use of any commercial venture.

Identification and Informational Sign. Signs of identification or of informational nature bearing no advertising.

Illuminated, Direct. Illumination which back-lights the display area.

Illuminated, Indirect. Illumination that reflects from the sign to the eyes of the viewer.

Illuminated Sign. Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tube, which are located within the interior of the sign as part of the signs proper structure.

Incidental Sign. A sign, generally informational or directional, that has a purpose secondary to the use of the premises on which it is located, such as no parking, entrance, exit only, loading only, telephone, ATM, and other similar messages. No sign with a commercial message legible from a position off the premises on which the sign is located shall be considered an incidental sign.

Joint Identification Sign. A sign which serves as a common or collective identification for a group of persons or businesses operating on the same zone lot (e.g., shopping center, office complex, etc.). Such sign may name the persons or businesses included, but shall carry no other advertising matter.

Lease. An agreement by which a property owner grants, either for consideration or for no consideration, to other persons permission to erect and maintain an advertising sign upon the property.

LED Message Center. Is a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face of the surface of the sign.

LED Sign. Light emitting diode. A diode that converts electrical energy into light with almost no heat. The diode uses crystalline layers that convert electricity into an optical output. Color is determined by the composition of the material.

Lot. Any parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument which is of public record that is recognized as a

separate unit for the purpose of a recordable transfer of ownership.

Mall. Any concentration of retail stores and/or service establishments which share customer parking areas and are located within an enclosure having public walkways whereby a customer in one store or establishment may walk to another store or establishment without leaving the enclosure.

Mansard Roof. Any roof that has an angle greater than 45 degrees and which derives part of its support from the building wall and is attached to (but permitted to be not necessarily a part of) a low slope roof, and which extends along the full length of the front building wall or at least three quarters of the length of a side building wall. For purposes of this section, a low slope roof shall mean any roof with a pitch of less than three (3) inches rise per twelve (12) inches horizontal.

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection of persons from the weather.

Marquee Sign. Any sign attached to in any manner, or made a part, of a marquee.

Memorial Sign. A sign which serves as a remembrance of a person, event or place.

Monument Sign. A sign fully supported by a solid base and which is not more than 8 feet in height.

Neon Sign. Any sign which uses neon tubing and is composed of a colorless, odorless, inert gaseous element used in electric lamps.

Non-Conforming Sign. A sign existing at the effective date of the adoption of this ordinance, and which could not be built under the terms of this ordinance.

Off-Site Sign. A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same premises where such sign is displayed. The term off-site sign shall include an outdoor advertising sign on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

On-Site Sign. A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing on the same lot or premises where such sign is displayed; provided, an on-site sign may also display a non-commercial message.

Outdoor Menu Board. An outdoor sign, associated with restaurants with drive-thru windows, which gives a detailed

list of foods served that are available at a restaurant.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Person. Any natural person, and any firm, partnership, association, corporation, company or organization, singular or plural, of any kind or nature.

Political Campaign Signs. A political or campaign sign is a sign which promotes a candidate for public office, a particular position on a referendum or for public office, or other matter on election ballot or a particular party.

Portable Sign. Any sign not permanently attached to the ground or any permanent structure, or a sign designed to be transported, including but not limited to: signs designed with wheels; signs converted to A- or T-frames; menu and sandwich boards; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of business.

Portable Swinger Sign and "A" Frame or Sandwich Sign. An advertising device which is ordinarily in the shape of an "A" or some variation thereof, located on the ground, easily movable, not permanently attached thereto, and which is usually two sided.

Portable Temporary Attraction Sign Board. A single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, usually mounted on wheels, easily movable, not permanently attached to the ground.

Premises. The lot or lots, parcel or parcels of land, together with the associated buildings and structures to which the sign is appurtenant.

Principal Building. The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Projecting Sign. Any sign that shall be affixed to extend from and at any angle to the wall of any building in such manner to read at an angle to the wall on which it is mounted.

Public Event. Any event that is authorized by the Village of Allouez, regardless of whether it is funded either in whole, in part, or not at all, by the Village.

Public Street. A street, alley or way that is open and maintained for ingress and egress by the public, regardless of ownership.

Reader Board. See definition for changeable copy.

Real Estate Sign. A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.

Residential Sign. Any sign located in a district zoned for residential uses that contains no commercial message except advertisements for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of the Village of Allouez.

Roof Sign. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and/or extending vertically above the highest portion of the roof.

Roof Sign, Integral. Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than 6 inches.

Setback. The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

Sight triangle. (As defined in Section 26.08, of this Code.)

Sign. Every device, frame, letter, figure, character, mark, neon, plane, point, design, picture, logo, stroke, stripe, trademark, trade dress, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public; in addition, any of the above which is not placed out of doors, but which is illuminated with artificial or reflected light. Also, the above, when near the inside surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists. Signs on vending machines or ATMs will be counted in the allowable sign area. If located against the building facade, they will not be counted as a freestanding sign. Newspaper vending machines are not included.

Shopping Center. Two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking areas, regardless of whether said stores and/or establishments occupy separate structures or are under separate ownerships.

Streets and Sidewalks. A strip of land or access way subject to vehicular traffic and/or pedestrian traffic that provides direct or indirect access to property, including, but not limited to: alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, sidewalks, terraces, trails, or

other thoroughfares.

Street Frontage. The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

Structure. Includes, but is not limited to, any part of a premise, either man-made or natural, or permanent or temporary, regardless of its height, shape, size or use.

Spot Light Illumination. Illumination which comes from lamps, lenses or devices designed to focus or concentrate the light rays of the source.

Suspended Sign. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign. Any sign that is used only temporarily and is not permanently mounted.

Wall Sign. Any sign that shall be affixed parallel to the wall or painted on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top to the wall or beyond the end of the building. For the purpose of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered wall signage. Any sign that is affixed to a building marquee, building awning, or a building canopy shall be considered a wall sign.

Window Sign. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window.

Zone Lot. A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the Zoning Regulations.

D. PERMITS

The Building Inspector of the Village of Allouez is charged with issuance of permits and enforcement of this Ordinance. His/her interpretation of the application of the ordinance to a particular fact situation will be presumed to be valid.

1. *Authority.* It shall be unlawful for any person to erect, repair, alter, relocate, or possess any sign or other advertising structure as defined in this chapter without first obtaining a sign permit from the Village of Allouez and making payment of established fees.
2. *Application for permit.* Application for a sign permit shall be made to the Village of Allouez and shall contain or have attached thereto the following information:

- a. Name, address, and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
- b. Name of person, firm, corporation, or association erecting the sign.
- c. Written consent of the owner of the building, structure, or land to which or upon which the sign is to be fixed.
- d. A scale drawing of such sign indicating the dimensions, materials to be used, color scheme, type of illumination, if any, and the method of construction and attachment.
- e. A scale drawing indicating the location and position of such sign in relation to nearby buildings and structures.
- f. Copies of any other permit required and issued for said sign, including the written recommendation by the Village Plan Commission where required by the zoning code.
- g. Additional information as may be required by the Village.

E. FEES

Administrative fees for sign permits shall be in accordance with the Village's established fee schedule.

F. REVOCATION OF PERMITS

The Building Inspector is hereby authorized and empowered to revoke any permit issued by him/her upon failure of the holder thereof to comply with any provision of this chapter.

G. GENERAL REGULATIONS

1. Total Area of Signs. The permitted total area of signs on a parcel of record shall be the cumulative total of the area of all signs located on parcel, a maximum of 300 sq. feet of signage will be allowed.
2. Computations.

The following principles shall control the computation of sign area and sign height.

- (a) Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of all of the writings, representations, emblems, colors, or other displays, together with any material or color forming an integral part of the background of the display used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets these or other Ordinances and is clearly incidental to the display itself.
- (b) Computation of Height. The height of a sign shall be computed as the distance from the natural or curb grade, whichever is higher, at or below the base of the sign, to

the top of the highest attached component of the sign. Natural grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the natural grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the natural grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

- (c) Computation of Maximum Total Permitted Sign Area for a Zone Lot. The permitted sum of the area of all individual signs on a zone lot shall be computed by applying the formula in the appropriate section of this Ordinance.

3. Number of Signs. All signs or sign structures shall be properly maintained and kept in a neat and proper state of repair and appearance.
4. Wind Pressure. All signs shall be erected and maintained so as to withstand a wind pressure of not less than 30 pounds to the square foot; and when a sign is erected or maintained on any wall of a building it shall be securely fastened or anchored to sure wall or building, and all fasteners or anchors used shall be metal and be maintained free from rust or defects of any kind.
5. Placing Signs on Public Property (Right of Way). No signs other than signs approved by the Village Board shall be erected on any public property; provided directional signs may be erected upon Village Streets under the following conditions, once approval has been obtained;
 - a. The signs direct the reader to the location of a public facility attended principally by out-of-town patrons, to a facility operated by a non-profit entity and attended principally by out-of-town patrons, to a facility relating to the public health, safety or welfare, to scenic or historic trails, or to general business or industrial districts;
 - b. The signs are fabricated, erected and maintained by the entity requesting the sign;
 - c. The entire cost of the signs is borne by the entity requesting the signs;
 - d. The signs are installed at locations where they would not constitute a traffic hazard;
 - e. The signs conform to the manual on uniform traffic-control devices; and
 - f. The maximum number of directional signs permitted under this section shall be 3 for each entity; except that the limitation provided hereby shall not apply to signs directing the reader thereof to

scenic or historic trails.

6. Placing Signs on Private Property. No sign shall be placed on any private property without owner's consent.
7. LED Message Center. Signs of this nature are permitted to contain static text, graphic displays and pictorial representations which can change every 15 minutes on the quarter hour. The sign may not flash, scroll or otherwise depict movement. On-premises LED message centers may also be subject to state or federal regulations when located near a state or federal regulated roadway.

H. PROHIBITED SIGNS

The following types of signs are prohibited in the Village of Allouez:

1. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind actions.
2. No sign or other advertising structure as regulated by this ordinance shall be erected or continued to be displayed at the intersection of any street or any public right-of-way in such a manner as to obstruct free and clear vision; or at any location, where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words, "STOP", "LOOK", "DRIVE-IN", "DANGER", or any other word, phrase, symbol or character in such manner as to interfere with, mislead, or confuse traffic.
3. No motor vehicle displaying a sign containing the name of any business, product, service or event, or a sign that it is for sale, or a phone number or address, shall be parked in a non-designated or not Village approved parking stall in a business parking lot or area fronting on a public street or alley.
4. No sign shall be placed on any utility pole, light pole, telephone pole and traffic control sign pole, except for utility identification, governmental or similar purposes.
5. No signs shall be erected, allowed or permitted in the public right-of-way, except for permanent signs, including signs erected by a governmental agency, or a franchised public utility company, or a temporary sign of a contractor doing authorized or permitted work within the public right-of-way, and providing safety alert or warning.
6. It shall be unlawful for any person to continue in operation, erect or maintain any attraction device or sign which contains a beacon of any type.
7. It shall be unlawful to use a vehicle or trailer as a sign in circumvention of this ordinance, except that magnetic signs only may be allowed on the roof or the side of the vehicle as long as no other structural support is added to the vehicle.
8. It shall be unlawful for any person to erect or maintain an attraction device or sign, or to continue in operation an attraction device or sign, which revolves, rotates, or otherwise moves.

9. Neon tubing exposed to view or not covered with an opaque cover of plexiglass or other similar material, is prohibited. Pennants may not be used. (See Section 11.28.I (1)).
10. No person, firm, or corporation shall erect or display any form of temporary advertising device or temporary sign for commercial or business purposes without first obtaining a sign permit from the Building Inspector.
 - a. Applications for a temporary advertising device or sign shall be made on a form provided by the Building Inspector and shall be accompanied by a permit fee as set forth in Section 8.15.A (1) of this Code.
 - b. The term of a temporary sign permit shall not exceed 30 consecutive days from the date of issuance and must be wholly within any one calendar year, at the end of which term such permit shall expire and any sign or advertising device allowed by said permit shall be removed.
 - c. No person, firm, or corporation shall erect or display more than one temporary advertising device or temporary sign in any one calendar year. Each tenant within a multi-tenant property shall be allowed one temporary sign per calendar year. Multi-tenant businesses are properties with more than one tenant leasing or owning a portion of a building or operating from that location.
 - d. Each face of a temporary advertising device or temporary sign shall not exceed 32 square feet in area, and the total area of such device or sign shall not exceed 64 square feet. The maximum height of a free-standing temporary sign is restricted to 8 feet.
 - e. The failure to remove a sign or advertising device upon expiration of the sign permit shall be a violation of this ordinance, and each day of violation thereafter shall be considered a separate offense.
 - f. Any such sign or device shall not contain more than two faces, each of which shall be on a different side of the sign or device.
 - g. All signs not expressly permitted under this ordinance or exempt from regulations hereunder in accordance with the previous sections are prohibited in the Village. Such signs include, but are not limited to, billboards, inflatable signs, tethered balloons, pennants except those exempt per Section 11.28.I (1) below, portable signs, and home occupation signs.

I. EXEMPTIONS

1. Pennants may not be used, except for the following:
 - a. To designate an "open house" on the day of such event only, and provided that such event lasts only one day and the pennant is removed on the day of the event;

- b. To control ingress and egress to undeveloped property or to designate in restricted areas thereon; or
 - c. To designate area (not buildings) under construction or repair, access to which is restricted for purposes of public safety.
2. A temporary sign used by or for a religious or charitable organization to advertise a function or event which provides an economic benefit solely to such an organization is subject to the provisions of Section 11.28.H (12) above, except as follows:
- a. Such sign shall not contain more than two faces, each of which shall be on a different side of the sign;
 - b. Each face of such sign shall not exceed 32 square feet in area, and the total area of such sign shall not exceed 64 square feet.
 - c. No more than one sign shall be on any one lot or parcel, and shall not be present from more than 30 consecutive days; and no one organization shall have more than one sign on the same lot or parcel during any one calendar year where the fee is waived. If the organization wishes to place more than one sign in any calendar year, the organization must pay the standard temporary sign fee; and
 - d. Before any such sign is erected or placed, the organization shall register its intention to place such signs within the Village with the Building Inspector, and obtain the rules and regulations for sign placement.
3. Signs Allowed on Private Property without Permits. The following signs are allowed on private property without the need for a permit, if such a sign does not advertise a business, service or product unless it is a current building contractor on the site, or is a realtor advertising the premises for sale or lease:
- a. **House or building identification**, such as street address as defined in Section 13.18 of this Code, and any building marker having an area of no more than 4 square feet and which is attached to the reference building.
 - b. **Personal Message**, such as the announcing of births, anniversaries, birthdays, yards-of-the-month, which shall have an area not exceeding 20 square feet, which shall not be displayed longer than seven consecutive days, and where a personal message sign is displayed on the lot not more often than 90 days after the last display of the sign.
 - c. **Flags** of the United States, the state, the city, foreign nations having diplomatic relations with the United States, sports teams, seasonal/decorative flags, and other flags adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 24 square feet in area in any residential zone, and shall not be flown from a pole the top of which is more than 25 feet in

height in any residential zone or 40 feet in height in any commercial or industrial zone. These flags must be flown in accordance with protocol established by the Congress of the United States of the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

- d. **Construction Signs.** On-site building construction signs shall have a total, combined maximum display surface area not to exceed 16 square feet for "A" and "B" residential lots and 32 square feet for the other zone districts. All such signs on any one lot shall be attached to a single or double post, or may be collectively grouped together to form a single freestanding sign. The height of any one sign, or any group of signs, shall not exceed 8 feet from grade.
- e. **Real Estate Signs.** One unanimated real estate sign on an inside lot, and two such signs on a corner lot providing only one sign faces each street, and further provided such signs shall be limited to wall and freestanding signs whose permitted illumination and maximum display surface area shall be as follows:
 - i. Residential. Eight non-illuminated square feet.
 - ii. Non-Residential. Thirty-two non-illuminated square feet.
 - iii. Sold Signs/Stickers. Such signs of a size not greater than 25% of the sign on which it is placed, may be placed at a rate of one per lot or tract, per company. All real estate signs and stickers shall be removed from said lot or tract within 30 days of the date of said sale or within 30 days after the sold sign/sticker has been placed on the real estate sign, whichever date is earliest.
- f. **Election Signs.** Said signs are subject to the following regulations:
 - i. The village may regulate the size, shape or placement of any sign if such regulation is necessary to ensure traffic or pedestrian safety.
 - ii. Duration and placement of signs shall be further governed by Wisconsin State Statutes and Wisconsin Department of Transportation rules & regulations.
- g. **Official Signs.** An official sign authorized and erected by the State, County, or municipality, such as for traffic control, parking restrictions, information and notices.
- h. **Memorial Signs or Plaques.** A memorial, sign or tablet, the name of a building and/or the date of erection, which is cut into the masonry surface or inlaid so as to be part of a building, or monument stone or other permanent surface which is

constructed of bronze or other non-combustible material and which is not more than 4 square feet in area.

- i. **Historical Signs.** An informational sign placed near a historical site or building. Can be free standing with a maximum height of 7 feet from grade and not more than 9 square feet in area.
- j. **Neighborhood and park identification signs.** In any zone, a sign, masonry wall, landscaping or other similar material and feature may be combined to form a display for neighborhood or tract identification at all entrances, provided the legend of each sign or display shall consist only of the neighborhood or tract name. Neighborhood identification signs shall be limited to ground signs not exceeding eight (8) feet in height or 32 square feet per sign face.
- k. **No Trespassing or No Dumping Signs.** A sign stating "no trespassing" or "no dumping" and which does not exceed one and one-half square feet in area.
- l. **No Wake Area on the Fox River.** A control buoy or sign placed so that nautical traffic is alerted to or informed of the "no wake" speed areas designated in Section 5.09 of this Code.
- m. **Public Notices.** An official notice posted by a public officer or employer in the performance of his/her duties.
- n. **Temporary Window Signs.** A sign attached to the inside surface of a ground floor window in a business, commercial or industrial district. The total area of all such signs on any one lot or parcel shall not exceed 50% of the total window area of the window to which it is attached, and shall not be placed on a door window or any other window needed to be clear for pedestrian traffic.
- o. **On-Premise Temporary Signs.** A temporary sign may not exceed 4 square feet in area and must pertain to a fund drive or event of a civic, philanthropic, educational, or religious organization. Any such sign may be posted not more than 30 days before said event and must be removed within 7 days after the event. Such a sign may not be displayed more often than 90 days after the last display of such a sign.

J. **EXISTING SIGNS**

For the purpose of this Section, a non-conforming sign shall be defined as a sign existing at the effective date of this ordinance but which could not now be built or erected under the terms of this or any other Village ordinance. All on-site and off-site non-conforming signs not otherwise prohibited by the provisions of this Ordinance shall be removed or shall be altered to conform to the provisions of this ordinance when the nature of the business conducted on the premises changes, or the sign is changed or modified either in shape or size. No non-conforming sign may be enlarged or altered in a way which would increase its non-conformity.

K. DESIGN STANDARDS

1. "A" and "B" Residential District Zones. No signage is allowed in "A" and "B" Residential District zones, except as follows and only for those services if properly allowed or legally offered on the premises. Exceptions shall not be construed as relieving the owner of such signs from the responsibility of complying with other applicable provisions of this ordinance. The exemptions shall apply to the requirement for a sign permit only, and no sign permit shall be required for the erection of the following signs, unless otherwise required:
 - a. All types of signs listed in 11.28.I.
 - b. Home Improvement Signs. On-site home improvement signs may be placed in the yard where and when said improvements are being made. No sign shall be placed on any tree or rock. Home improvement signs shall be a freestanding sign not exceeding 6 non-illuminated square feet and may be placed during construction, but must be removed no later than 14 calendar days after construction is completed.
 - c. Garage/Yard/Rummage Sale Signs. The following regulations shall control garage, yard, and rummage sale signs.
 - i. Size and Type. All signs shall be no longer than 8 square feet, placed on a single or double stake or other freestanding manner.
 - ii. Frequency. No individual lot shall be allowed more than one three-day garage, yard, or rummage sale in a single quarter of a calendar year.
 - iii. Location. No garage, yard, or rummage sale sign shall be placed, affixed, stapled, or taped to any utility pole, street sign, tree, stop sign, or fence, and shall not be placed in any public right-of-way.
 - d. Identity Signs. A name plate sign not to exceed one square foot in area may be located on the premises. Corner lots shall be permitted two such signs, one facing each street.
 - e. Uses Other Than Residential Which Are Located In the "A" and "B" Districts. Signs of this type are subject to the requirements as set forth in Section 11.28.D.
 - f. Changeable copy/reader board signs are allowed for churches and schools in the "A" and "B" residential districts as defined in Section 11.28.D definitions.
 - g. LED Message Center Signs are allowed for churches and schools in the "A" & "B" residential districts as defined in section 11.28 D definitions.
2. "C" Professional Office and Residential District, High Density and High Rise Districts. No signage is allowed except as follows and only for those services if properly allowed or legally offered on the premises. Exceptions shall not be construed as relieving the owner of such signs from the responsibility of complying with other applicable provisions of this ordinance. The exemptions

shall apply to the requirement for sign permit only, and no sign permit shall be required for the erection of the following signs unless so indicated.

- a. All types of signs listed in 11.28.I.
- b. One freestanding or wall mounted identity or directory sign not exceeding 32 square feet in area per side with a maximum of two sides. Corner lots shall be permitted two such signs, one facing each street. Maximum height of a freestanding sign is 8 feet from grade. The sign must be set back from property line a distance equal to or greater than height.
- c. Illuminated signs must be turned off between the hours of 10:00 P.M. and sunrise, except that an on-site sign may be illuminated during those hours that the business to which it pertains is open and operating.
- d. Changeable copy/reader board signs are allowed as defined in Section 11.28.D definitions.
- e. LED Message Center Signs are allowed as defined in section 11.28 D definitions.

3. Commercial, Highway Business, and Industrial Zone Districts. All signs are prohibited except for the following:

- a. All signs permitted in Section 11.28.I, under the conditions specified.
- b. Advertising and Business Signs. Advertising and business signs having as their sole purpose the advertisement of a business being conducted on the same premises, but only if the size, type and location of such signs first shall have been reviewed by the Building Inspector and found to be in compliance with Section 11.28 and all other provisions contained in this ordinance. Any application for such sign shall be filed in writing with the Building Inspector for the Village of Allouez and shall set forth the name and the post office address of the applicant, the type of sign, the dimensions, the locations and the type of illumination or lighting, if any. Sign types and requirements are as follows:

- i. Roof Signs. Any sign erected or maintained upon the roof or coping of any building shall not extend above the top most surface of the roof or coping upon which the sign is erected or maintained. If a sign exceeds six square feet in dimension and contains, or is proposed to contain, open space of at least one-half of its front area through which wind may pass and space underneath as above provided, the Building Inspector shall permit said sign to be erected if he/she shall find upon examination that the building or coping of any building upon which the sign is or is proposed to be, built will safely support a structure twice the weight of the sign, and if the applicant otherwise complies with the section. No roof sign shall be constructed or

- maintained on a frame building unless the building is structurally capable of carrying the same. Total square footage of all roof, canopy and wall signs on a lot shall not exceed a ratio of 72 square inches of sign area of each lineal foot of lot frontage.
- ii. Wall Signs. Wall signs shall not project more than 18 inches from the surface upon which they are mounted. Where a building houses more than one business, wall signs shall be limited in number to one wall sign per business. Total square footage of all wall, canopy and roof signs on a lot shall not exceed 15% of the front frontage of the building. a. In multi - tenant buildings each tenant is allowed 15% of their frontage.
 - iii. Monument Sign/Freestanding Sign.
 - 1. Every sign shall be located back of the street right-of-way, and shall be set back from the street curb line a distance at least equal to the height of the sign.
 - 2. Every sign shall be set back 50 feet from any residential district.
 - 3. Any sign within 30 feet of an intersection or 15 feet of a driveway must be designed and installed so as not to cause a vision problem for vehicular traffic.
 - 4. No sign shall exceed 64 square feet in total area, not including the structure or standard on which the sign is supported. Double faced signs shall not exceed 32 square feet per side.
 - 5. A sign shall not project higher than 8 feet, as measured from preconstruction grade at the base of the sign.
 - 6. A landscape area shall extend a minimum of 2 feet from the face of the sign, and shall fully cover the base that contacts the ground.
 - 7. Where any sign is proposed to be externally illuminated using ground mounted fixtures (i.e. floodlight), landscape plantings or other natural obstructions shall be installed in such a manner so as to entirely shield the light source from the surrounding view. Landscape plantings shall be of the type that will ensure effective yearlong screening.
 - iv. Outdoor Menu Board. Outdoor menu boards are only allowed on zone lots which have previously been approved for restaurants or car washes with drive-thru windows, and under the following conditions:

8. Only one outdoor menu board shall be permitted, per order window or wash bay, on a lot.
 9. Display surface area shall not exceed 24 square feet.
 10. If the sign is lighted it may be lighted by internal illumination only.
 11. The outdoor menu board lettering may not be legible from any distance off the zoned lot for which it is approved.
 - v. Changeable copy/reader board signs are allowed as defined in Section 11.28.D definitions.
 - vi. LED Message Center. Signs are allowed as defined in Section 11.28 D definitions.
4. Off Premise Signage. Off premise advertising and business signs which advertise goods, product, facilities, or services not necessarily on the premises where the sign is located, or directing persons to a different location from where the sign is located. In addition to meeting all other applicable sections of Section 11.28, the installation of off premise signs in the Village of Allouez shall meet the following requirements.
 - a. The maximum size is 32 square feet, and the maximum height is 8 feet.
 - b. This should be considered for directional purposes only.
 - c. The installation of an off premise sign shall require prior approval of the Village Board. The Village Board shall hold a public hearing on an application within forty days from receipt of an application by the Village Clerk Treasurer. Written notice of the time, place, and purpose of the hearing shall be mailed by regular U.S. mail, postage pre-paid, at least ten days before the hearing, to the applicant, to property owners abutting on the street in the block opposite the block in which the proposed advertising sign is to be located, and if the location is on a corner, to the property owners of the other corner.
 - d. The Village Board may approve a proposed off premise sign if such sign in contents and appearance conforms to the general comprehensive plan of orderly growth and development of the Village, the special characteristics of the Village, and the locality where such advertising signs have been proposed, and the federal requirements for signs provided in Section 11.28.G (4-5) of this ordinance. In making its decision the Village Board shall also be guided by the evidence and testimony presented at the public hearing.
5. Planned Development Districts. In the Planned Development Districts, all exterior signs are prohibited except for the following, but only if the Planned Development

District, including such signage, has received the final approval of the Village Board:

- a. Signs which are permitted in the underlying zoning as defined in Section 11.03 of this Code.
- b. Signs which are permitted in a District (other than a Planned Development District) which permits the use which is the principal and/or primary intended use of the Planned Development District in which the sign is to be placed.

L. ILLUMINATION STANDARDS

1. In addition to complying with the provisions of this ordinance, all signs in which electrical wiring and connections are to be used shall be subject to the applicable provisions of the Village Electrical Code. No person may erect a sign with exposed electrical wires.
2. The use of unshielded lighting, including exposed incandescent light bulbs hung or string on poles, wires or any other type of support intended to illuminate a sign or other advertising device is expressly prohibited.
3. No sign shall be illuminated, either internally or externally, between the hours of 10:00 P.M. and sunrise, except that an on-site sign may be illuminated during those hours, that the business to which it pertains, is open and operating.
4. All sign lighting shall be so designed, located, shielded or hooded so as to prevent the casting of glare or direct light upon adjacent roadways, upon surrounding properties, and into the sky.
5. In no case shall the lighting intensity of any sign, whether resulting from internal or external illumination, exceed 60 foot candles at 2 feet away from the geometric center of the sign.
6. All LED electronic message centers shall have the capacity to be dimmed and shall not exceed 3 watts. They are only permitted as part of a permanent sign. This sign shall be included in the calculation for the total allowable square footage of signage on the building site.

M. LANDSCAPING STANDARDS - Should meet all standards as specified in the Site Plan Review Code (11.29(10))

N. LOCATION STANDARDS

1. Location in paved areas. No signage may cause a reduction in required or previously existing off-street parking spaces, or in any manner interfere with the use of such off-street parking spaces.

O. MAINTENANCE AND REMOVAL OF SIGNS

1. All signs and sign structures shall be properly maintained and kept in a neat and proper state of repair and appearance.
2. Duty of Village Board Inspector to Enforce.
 - a. The Village Building Inspector shall have the power and duty to enforce the provisions hereof.
 - b. The remedies and sanctions in this section for a violation of, or for failure to comply with, the provisions of this Code, whether civil or criminal,

or for sign removal, shall be cumulative and shall be in addition to any and all other remedies provided by law.

3. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements hereof, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Village shall have the right to recover from the owner or person placing the sign the full costs of removals and disposal for such sign.
4. Removal of Certain Signs. In the event a business ceases operation for a period of time in excess of 30 days, the sign owner, lessee, or the property owner, shall immediately remove any sign identifying or advertising said business or any product sold thereby, provided, however, that this requirement shall not apply where under the provisions of this ordinance an existing conforming sign may be altered to advertise a new business or product sold thereby, and there is evidence that a new business will be in operation on the premises within 30 days. Upon failure of the sign owner, lessee or property owner, to comply with this Section, the Building Inspector shall issue a written notice to the sign owner and any lessee, and to the property owner, which notice shall state that such sign shall be removed within 10 days. If the sign owner, lessee, or property owner, fails to comply with such written notice to remove, the building Inspector is hereby authorized to cause the removal of such sign, and any expense incidental to such removal shall be charged to the owner of the property upon which sign is located and shall constitute a lien upon the property. For the purpose of this section, the word "remove" shall mean:
 - a. The sign face, along with posts and columns, and the supports of freestanding signs, shall be taken down and removed from the property.
 - b. The sign face and supporting structures of "projecting", "roof", and "wall" signs, shall be taken down and removed from the property.
 - c. The sign face of "painted wall signs" shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.
5. Destruction of Signs. It shall be unlawful for any person to:
 - a. Injure, deface or remove any sign, signal, flare, red light or marker placed for the warning, instruction or information of the public.
 - b. Carve or paint on any rock, sign, wall or structure on public park grounds or other public property.
 - c. Injure or deface in any manner any public building, facility, sign, fence, table or other Village property on public park grounds or other public property.

P. **PENALTIES**

Any person who violates any provision of this Chapter shall pay a forfeiture of not less than \$10.00 or more than \$1000.00 for

each violation. Each day a violation occurs or continues shall constitute a separate offense.

Q. SEVERABILITY

If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. If an application of this chapter to a particular sign or structure is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other sign or structure not specifically included in said judgment.

R. VILLAGE INDEMNIFICATION

1. Liability for Damages. The provisions of this title shall not be construed to relieve or to limit in any way the responsibility or liability of any person, firm, or corporation which erects or owns any sign, for personal injury or property damage cause by the sign nor shall the provisions of this be construed to impose upon the Village, its officers, or its employees any responsibility or liability by reason of the approval of any sign under the provisions of this title.

11.29 SITE PLAN DESIGN AND REVIEW. Development and design standards in certain districts.

- (1) **Introduction.** This ordinance is designed to provide for the future growth and development of those multifamily residences, businesses, and industries that seek an aesthetically attractive working environment. The intent of this ordinance is to promote and maintain desirable economic development that is practical, feasible, and an asset to owners, neighbors, and the Village of Allouez while maintaining an attractive environment.
- (2) **Objectives.** The purpose of this ordinance is to establish standards, and procedures for review of all new development proposals and the expansion of existing businesses and industries in the applicable zoning districts in order to:
 - (a) Provide for safe, efficient vehicular, bicycle, and pedestrian circulation.
 - (b) Provide for screening, landscaping, signage, and lighting.
 - (c) Ensure efficient, safe, and attractive land development.
 - (d) Ensure adequate light and air, proper building arrangements, and minimal adverse effect on adjacent properties.
 - (e) Develop proper safeguards to evaluate and identify the impact on the environment including but not limited to air quality, wetlands, and waterways.
 - (f) Ensure the provision of adequate water supply, drainage, storm water management, sanitary facilities, and other utilities.
 - (g) Encourage modern and innovative design, construction, technology, and planning methods.